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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,088	05/04/2001	Vikram Rai	2	9412

7590 09/09/2004

Docket Administrator (Room 3C-512)
Lucent Technologies Inc.
600 Mountain Avenue
P.O. Box 636
Murray Hill, NJ 07974-0636

EXAMINER

DAVIS, TEMICA M

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 09/09/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/849,088

Applicant(s)

RAI, VIKRAM

Examiner

Temica M. Davis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/18/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 9 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Meuronen, U.S. Patent No. 6,597,917.

Regarding claim 9, Meuronen discloses a method for transmitting user identified storable information with a communication device over a communication system (col. 1, lines 26-28), the method comprises the steps of: inherently formatting user identified storable information in accordance with a protocol being followed by the communication system as evidenced by the fact that the system and transmitting mobile terminal can communicate with each other; and transmitting the user identified storable information over a signaling channel of the communication system (col. 1, lines 26-38).

Regarding claim 11, Meuronen discloses the method of claim 9 where the communication device is either a cellular phone, a PDA or a personal computer (figures 1 and 2.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 7, 8 and 12-14 rejected under 35 U.S.C. 103(a) as being unpatentable over Meuronen in view of Krishnamurthi et al (Krishnamurthi), U.S. Pub. No. 2001/0001089.

Regarding claim 1, Meuronen discloses a method for delivering user information over a communication system, the method comprising the steps of: receiving user identified storable information over a signaling channel (col. 1, lines 26-38); and transmitting the received information to a destination over an available signaling channel (col. 1, lines 35-38). Meuronen further discloses wherein voice and/or data can also be transmitted to desired users over traffic channels (col. 1, lines 18-22).

Meuronen, however, fails to specifically disclose transmitting the received information (SMS message) over an available traffic channel.

In a similar field of endeavor, Krishnamurthi discloses a system and method for mobile switching center initiated service negotiation. Krishnamurthi further discloses delivering SMS messages to users over traffic channels (page 3, para 0033).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Meuronen with the teachings of Krishnamurthi since as evidenced, it is well known to transmit SMS messages on traffic channels in addition to voice and data. Further, such a technique would allow more system flexibility in sending SMS messages, thereby reducing system congestion.

Regarding claim 7, the combination of Meuronen and Krishnamurthi discloses the method of claim 1 and further discloses where the received information is transmitted over an available traffic channel inherently at a time determined by the communication system when the user has not specified a transmission time as evidenced by the fact the systems delivers the message (col. 1, lines 35-38).

Regarding claim 8, the combination of Meuronen and Krishnamurthi discloses the method of claim 1 and further discloses the step of postponing the transmission of the received information until at least one traffic channel becomes available (Krishnamurthi, page 3, para 0034 and 0035).

Regarding claim 12, Meuronen discloses a method for receiving user identified storable information with a communication device over a communication system, the method comprising the steps of: inherently receiving an alert signal over a signaling channel of the communication system; transmitting a response signal (i.e., the response

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signal could read on the user identification) over a signaling channel of the communication system (col. 1, lines 26-49).

Meuronen, however, fails to disclose receiving user identified storable information over a traffic channel of the communication system.

Krishnamurthi discloses receiving user identified storable information (SMS messages) over a traffic channel of the communication system (page 3, para 0033).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Meuronen with the teachings of Krishnamurthi since as evidenced, it is well known to transmit SMS messages on traffic channels in addition to voice and data. Further, such a technique would allow more system flexibility in sending SMS messages, thereby reducing system congestion.

Regarding claim 13, the combination of Meuronen and Krishnamurthi discloses the method of claim 12 where the step of transmitting a response signal over a signaling channel comprises inherently formatting the response signal in accordance with a protocol being followed by the communication system as evidenced by the fact that the system and transmitting mobile terminal can communicate with each other (Meuronen, col. 1, lines 26-49).

Regarding claim 14, the combination of Meuronen and Krishnamurthi discloses the method of claim 9 where the communication device is either a cellular phone, a PDA or a personal computer (figures 1 and 2).

6. Claims 2, 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meuronen in view of Krishnamurthi as applied to claim 1 and further in view of Boltz et al (Boltz), U.S. Patent No. 6,044,275.

Regarding claim 2, the combination of Meuronen and Krishnamurthi discloses the method of claim 1 as described above and further includes storing the received information (Meuronen, col. 1, lines 26-28).

The combination, however, fails to disclose determining a transmission time and a destination from the received information; transmitting an alert signal over a signaling channel to the destination; and receiving a response signal over the signaling channel from the destination.

In a similar field of endeavor, Boltz discloses a system and method for time defined delivery of short message service messages. Boltz further discloses determining a transmission time and a destination from the received information; inherently transmitting an alert signal over a signaling channel to the destination; and receiving a response signal over the signaling channel from the destination (col. 2, lines 35-40, col. 4, lines 57-62, col. 3, lines 4-10).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the combination of Meuronen and Krishnamurthi with the teachings of Boltz for the purpose of allowing a user control of when a desired SMS message is to be delivered.

Regarding claim 3, the combination of Meuronen, Krishnamurthi and Boltz discloses the method of claim 2 where the step of transmitting an alert signal comprises:

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formatting the alert signal in accordance with a protocol being followed by the communication system; and transmitting the alert signal over a signaling communication channel prior to the transmission time where the transmission time is specified by the user or by the system (Boltz, as explained in the previous office action, col. 2, lines 35-37, col. 4, lines 30-33).

Regarding claim 6, the combination of Meuronen, Krishnamurthi and Boltz discloses the method of claim 2 where the step of determining a transmission and a destination address comprises the step of retrieving transmission time data and the destination data from the received information (Boltz, col. 3, lines 25-33).

7. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meuronen, Krishnamurthi, Boltz and Matsukane et al (Matsukane), U.S. Patent No. 5,467,341.

Regarding claim 4, the combination of Meuronen, Krishnamurthi and Boltz discloses the method of claim 2 as described above. The combination, however, fails to disclose where the alert signal is transmitted a certain number of times designated by the user.

Matsukane discloses this limitation (abstract, lines 16-20). At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the combination of Meuronen, Krishnamurthi and Boltz with the teachings of Matsukane for the purpose of ensuring the message is received.

Regarding claim 5, the combination of Meuronen, Krishnamurthi and Boltz discloses the method of claim 2 as described above and further discloses transmitting a message over a signaling channel informing the system that the information cannot be delivered (Boltz, col. 2, lines 16-25).

The combination, however, fails to disclose waiting for a user specified time period for a signal responding to the transmitted alert signal; retransmitting the alert signal a certain number of times specified by the user.

Matsukane discloses this limitation (abstract, lines 16-20). At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the combination of Meuronen, Krishnamurthi and Boltz with the teachings of Matsukane for the purpose of ensuring the message is received.

Although, the originator is not specifically informed about the failed delivery of the message, the examiner believes such limitation would not render the claims patentable over the applied reference, since such user notification would require routine skill.

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meuronen in view of Boltz.

Regarding claim 10, Meuronen discloses the method of claim 9 where the step of formatting user identified storable information comprises the steps of: obtaining the user identified storable information with a communication device (col. 1, lines 39-49). Meuronen, however, fails to disclose inserting transmission time data and destination data in the user identified storable information.

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Boltz discloses this limitation (col. 3, lines 24-36).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Meuronen with the teachings of Boltz for the purpose allowing a user more control over when to deliver SMS messages.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nordstrand et al, U.S. Patent No. 5,487,071.

Valentine et al, U.S. Patent No. 6,223,045.

Aaltonen, U.S. Pub. No. 2002/0110116.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Davis whose telephone number is (703) 306-5837. The examiner can normally be reached on Monday-Thursday (alternate Fridays) 8:00am-5:00pm.

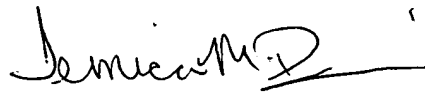
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (703) 308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Temica M. Davis
Examiner
Art Unit 2681

September 4, 2004



**TEMICA M. DAVIS
PATENT EXAMINER**